

SUPREME COURT OF TENNESSEE
 SUPREME COURT DISCRETIONARY APPEALS
March 5, 2001
AMENDED March 6, 2001

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION
Frank Barrett vs. The Metropolitan Gov't of Nashville and Davidson County M1999-01130-SC-R11-CV	Davidson Circuit Walter C. Kurtz 98C-1095	Cantrell, J. Reversed and remanded	Rule 11	Granted - Application of Frank Barrett ¹
Faye L. Green vs. Innovative Recover Services, Inc. M1999-02227-SC-R11-CV	Davidson Chancery Carol L. McCoy 99-1560-II	Cantrell, J. Affirmed and remanded	Rule 11	Denied - Application of Faye L. Green
Home Builders Assoc. of Middle Tennessee, et al vs. Maury Co., TN, et al M1999-02383-SC-R11-CV	Maury Circuit Stella L. Hargrove 8595	Cantrell, J. Affirmed and remanded	Rule 11	Denied - Application of Larry Reaves, Dino Roberts Homes, Inc., and Home Builders of Middle Tennessee; opinion of the court of Appeals is designated "Not for Citation". ²
Dwight Saddler vs. Leonard Saddler, et al M1999-01258-SC-R11-CV	Wilson Probate Robert Hamilton 1	Farmer, J. Affirmed and remanded	Rule 11	Denied - Application of Leonard Saddler and Paula Saddler

¹Or purposes of appeal, this case is consolidated with City of Chattanooga vs. Davis, No. E2000-00664-SC-R11-CV. The Clerk is directed to place this consolidated case on the docket for oral argument at the June, 2001 term of Court in Nashville.

²While we affirm that portion of the opinion of the Court of Appeals which addressed the constitutional claims, the Court of Appeals did not consider whether the Home Builders Association of Middle Tennessee had standing to bring the suit or whether the Declaratory Judgment Act, TCA § 29-14-01 *et seq.* under which the Home Builders Association brought their action, is an appropriate avenue by which to challenge collection of revenue. See TCA § 67-1-908(a).

David A. Scholz vs. S.B. International, Inc. M1998-00215-SC-R11-CV	Davidson Chancery Ellen Hobbs Lyle 96-1785-III	Koch, J. Vacated and remanded	Rule 11	Denied - Application of S.B. International
Joe Trammell, et ux vs. George W. Pope, Jr., et al M1999-00886-SC-R11-CV	Williamson Chancery Russ Heldman II-26066	Highers, J. Affirmed	Rule 11	Denied - Application of George W. Pope, Jr.
Charles L. Welborn vs. Melvin K. Sellars, et al M1999-00164-SC-R11-CV	Rutherford Circuit Robert E. Corlew 39114	Lillard, J. Affirmed	Rule 11	Denied - Application of Charles Welborn
State of Tennessee vs. Thomas Anderson, Jr. M1999-01384-SC-R11-CD	Williamson Circuit Cornelia Clark II-398-102-B	Ogle, J. Reversed and remanded	Rule 11	Denied - Application of Thomas Anderson, Jr.
State of Tennessee vs. Helen Dixon Devers M1999-00427-SC-R11-CD	Wayne Criminal Stella Hargrove 11671 & 11672	Ogle, J. Affirmed	Rule 11	Denied - Application of Helen Dixon Devers
State of Tennessee vs. Robert Gober M1999-01425-SC-R11-CD	Robertson Circuit Robert Wedemeyer 97-0404	Welles, J. Affirmed	Rule 11	Denied - Application of Robert Gober
State of Tennessee vs. John Wayne Gray M1999-01615-SC-R11-CD	Franklin Criminal Buddy D. Perry 12175	Welles, J. Affirmed	Rule 11	Denied - Application of John Wayne Gray

State of Tennessee vs. Jimmie L. Green M1999-00190-SC-R11-CD	Montgomery Criminal Robert Wedemeyer 34041	Welles, Smith, Woodall, JJ. Dismissed	Rule 11	Denied - Application of Jimmie L. Green
State of Tennessee vs. Letivias D. Prince M1998-00005-SC-R11-CD	Williamson Donald P. Harris I-497-141	Wade, J. Affirmed	Rule 11	Denied - Application of Letivias D. Prince
State of Tennessee vs. James A. Shively M1999-01072-SC-R11-CD	Williamson Circuit Henry D. Bell I-1098-341, I-1098-364, I-1098-365-366	Williams, J. Affirmed	Rule 11	Denied - Application of James A. Shively
State of Tennessee vs. Seria Ward M1998-00128-SC-R11-CD	Davidson Criminal Steve R. Dozier 95-D-2710B	Glenn, J. Affirmed	Rule 11	Denied - Application of Seria Ward
Dowell Lewis Shannon vs. State of Tennessee M2000-01936-SC-R11-PC	Wilson James O. Bond 91-677	Woodall, Smith, Wedemeyer, JJ. 91-677	Rule 11	Denied - Application of Dowell Lewis Shannon
Gerome Smith vs. State of Tennessee M1999-02511-SC-R11-PC	Sumner Circuit Jane Wheatcraft 330-1998	Wade, J. Affirmed	Rule 11	Denied - Application of Gerome Smith
Jimmy Dale Smith vs. State of Tennessee M1999-00952-SC-R11-PC	Cheatham Circuit Robert Burch 10-813	Smith, J. Rule 20 Affirmed	Rule 11	Denied - Application of Jimmy Dale Smith

Donald Allen Vest vs. State of Tennessee M1999-01081-SC-R11-PC	Davidson Criminal J. Randall Wyatt 94-1-533-C	Wedemeyer, J. Affirmed	Rule 11	Denied - Application of Donald Allen Vest
Walter Jefferson vs. Captain D's Restaurant, a/k/a Shoney's Inc., and TPI Restaurants, Inc. W1999-00574-SC-R11-CV	Shelby Circuit George H. Brown, Jr. 95327 T.D.	Crawford, J. Affirmed	Rule 11	Denied - Application of Walter Jefferson
Frank Fetzer Mills, et ux vs. Luis L. Wong, M.D., et al W1999-00665-SC-R11-CV	Shelby Circuit Robert A. Lanier 300304-7	Highers, J. Reversed and dismissed	Rule 11	Denied - Application of Frank Fetzer Mills, et al
Cybill Shepherd vs. Weather Shield Mfg., Inc. W1999-00508-SC-R11-CV	Shelby Chancery Walter L. Evans 106636-1	Glenn, J. Affirmed in part, reversed in part, and remanded	Rule 11	Denied - Application of Cybill Shepherd
Union Planters National Bank vs. Marshall W. Criss and Walter Richards W1999-00541-SC-R11-CV	Shelby Chancery D.J. Alissandratos 100234-3	Farmer, J. Affirmed and remanded	Rule 11	Denied - Application of Walter Richards and Marshall W. Criss
State of Tennessee vs. Marlon Beauregard W1999-01496-SC-R11-CD	Hardeman Circuit Jon K. Blackwood 6150	Welles, J. Affirmed	Rule 11	Denied - Application of Marlon Beauregard

State of Tennessee vs. Vincent Bolden W1999-01481-SC-R11-CD	Henry Circuit Julian P. Guinn 12735	Glenn, J. Affirmed	Rule 11	Denied - Application of Vincent Bolden
State of Tennessee vs. Carl Couch W1999-00645-SC-R11-CD	Hardin Circuit Charles C. McGinley 7807	Riley, J. Affirmed	Rule 11	Denied - Application of Carl Couch
State of Tennessee vs. Selina G. Harrelson W1999-00521-SC-R11-CD	Hardin Circuit Charles C. McGinley 7749	Tipton, J. Affirmed	Rule 11	Denied - Application of Selina G. Harrelson
State of Tennessee vs. Alfonso Townsend W2000-00522-SC-R11-CD	Lake Circuit R. Lee Moore, Jr. 00-7985	Riley, J. Affirmed pursuant to Rule 20	Rule 11	Denied - Application of Alfonso Townsend
David Lee Hundley vs. State of Tennessee W1998-00292-SC-R11-PC	Weakley Circuit William B. Acree, Jr. 1717	Woodall, J. Reversed and remanded	Rule 11	Granted - Application of State of Tennessee; remanded to the Court of Criminal Appeals for reconsideration in light of <u>State v. Nix and Purkey</u> .
Walter J. Biddle vs. Norfolk Southern Railway Co. E1999-02584-SC-R11-CV	Hamilton Circuit Samuel H. Payne 97C2682	Swiney, J. Affirmed	Rule 11	Denied - Application of Walter J. Biddle, Sr.
Juli Brown, et al vs. Knox County and Lillian Bean E1999-01185-SC-R11-CV	Knox 142569-2 William H. Inman	Susano, J. Affirmed	Rule 11	Denied - Application of Juli Brown; recommended that the Court of Appeals opinion be published.

City of Chattanooga vs. Kevin Davis E2000-00664-SC-R11-CV	Hamilton Criminal Douglas A. Meyer 225103	Susano, J. Affirmed in part; reversed in part and remanded	Rule 11	Granted - Application of Kevin Davis; motion to consider post-judgment facts is granted. ³
Laura Coffey vs. Cherokee Aviation, Inc. E1999-01037-SC-R11-CV	Knox Harold Wimberly, Jr. 2-361-96	Goddard, J. Affirmed	Rule 11	Denied - Application of Laura S. Coffey and Peter R. Cowan
First Utility District of Knox County, TN vs. Eleanor Jo Jarnigan-Bodden E1999-01674-SC-R11-CV	Knox Harold Wimberly, Jr. 2-26-99	Swiney, J. Affirmed	Rule 11	Denied - Application of Eleanor Jo Jarnigan-Bodden
Byron Lowell Mitts vs. Virginia Ann Jones Mitts E2000-00374-SC-R11-CV	Hamilton W. Neil Thomas, III 97-D-2629 & 97-D- 2635	Susano, J. Affirmed in part, modified in part, reversed in part and remanded	Rule 11	Denied - Application of Virginia Ann Mitts
Southern Constructors, Inc. vs. Loudon County Bd. of Education E2000-02577-SC-S09-CV	Loudon 9756	Goddard, Susano & Swiney, JJ. Rule 9 denied	Rule 9	Granted - Application of Loudon Co. Board of Education ⁴

³For purposes of appeal, this case is consolidated with Barrett vs. Metropolitan Government of Nashville and Davidson County, No. M1999-01130-SC-R11-CV. The Clerk is directed to place this consolidated case on the docket for oral argument at the June, 2001 term of Court in Nashville.

⁴Oral argument shall be limited to the following issue: Whether local governmental entity has authority to enter into arbitratin agreement?

Kenneth L. Storey vs. David J. Poss E1999-00192-SC-R11-CV	Knox Chancery Daryl L. Fansler 135471-2	Swiney, J. Affirmed and remanded	Rule 11	Denied - Application of Kenneth L. Storey
State of Tennessee vs. Joe C. Anderson E1999-02485-SC-R11-CD	Loudon E. Eugene Eblen 9612	Witt, J. Affirmed	Rule 11	Denied - Application of Joe C. Anderson
State of Tennessee vs. Amy Boyd E1999-02218-SC-R11-CD	Hawkins James E. Beckner 7612	Riley, J. Affirmed	Rule 11	Denied - Application of Amy Boyd
State of Tennessee vs. Paul Andrew Thompson E2000-01224-SC-R11-CD	Hancock James E. Beckner 2194	Tipton, J. Affirmed	Rule 11	Denied - Application of Paul Andrew Thompson
Samuel Frank Downey vs. State of Tennessee E2000-01926-SC-R11-PC	Hamilton Criminal Douglas A. Meyer 229752	Witt, Wade and Ogle, JJ. Denied pursuant to Rule 28	Rule 11	Denied - Application of Samuel Frank Downey
Johnny Parker vs. State of Tennessee E2000-02443-SC-R11-CO	Knox Ray Jenkins 42812	Witt, J. Denied	Rule 10	Denied - Application of Johnny Parker
John Penley vs. State of Tennessee E2000-00154-SC-R11-CD	Sullivan Criminal Phyllis H. Miller C42526	Welles, J. Affirmed	Rule 11	Denied - Application of John Penley

Ronald Bradford Waller vs. State of Tennessee E1999-02034-SC-R11-PC	Hamilton Criminal Douglas A. Meyer 210655	Glenn, J. Affirmed	Rule 11	Denied - Application of Ronald Bradford Waller

The following Rule 11 Dismissals were filed the weeks of February 26th - March 2nd, 2001

STYLE/APPEAL NUMBER	COUNTY TRIAL JUDGE TRIAL COURT NO.	APPELLATE JUDGE JUDGMENT	NATURE OF APPEAL	ACTION